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FISCAL IMPACT STATEMENT

LS 7410

BILL NUMBER: SB 541

NOTE PREPARED: Jan 18, 2015

BILL AMENDED:

SUBJECT: Sentence Modification.

FIRST AUTHOR: Sen. Houchin

FIRST SPONSOR:

BILL STATUS: As Introduced

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill provides that a court may not modify the sentence of a person convicted of a crime of violence, and specifies that a person seeking to modify the sentence of a crime committed before July 1, 2014, may only do so by using the version of the sentence modification statute that was in effect on June 30, 2014.

Effective Date: July 1, 2015.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill would likely reduce the petitions for sentence modification if persons who were convicted of a crime of violence are no longer permitted to petition and would slightly reduce the workload for offenses that were committed before July 1, 2014.

The reduction in petitions is uncertain. The sentence modification statute permits an offender who was committed to the Department of Correction (DOC) to file a petition to have their sentence either reduced or suspended (placing the offender on probation).

Sentence Modification Procedures – The changes in procedures for sentencing modification for offenses that were committed prior to July 1, 2014, could minimally reduce the staff burden for prosecuting attorneys.

Persons who were convicted prior to July 1, 2014, were permitted to petition the sentencing court an unlimited number of times to either reduce or suspend the person's sentence. The court could consider the petition only if the prosecuting attorney approved the petition.

Persons who have been convicted of crimes after July 1, 2014, may petition twice for a sentence modification for the same prison sentence. If the prosecuting attorney does not approve the petition, the court must set a hearing to consider the petition.

Additional Information – The following offenses are considered crimes of violence.

1. Murder (IC 35-42-1-1).
2. Attempted murder (IC 35-41-5-1).
3. Voluntary manslaughter (IC 35-42-1-3).
4. Involuntary manslaughter (IC 35-42-1-4).
5. Reckless homicide (IC 35-42-1-5).
6. Aggravated battery (IC 35-42-2-1.5).
7. Kidnapping (IC 35-42-3-2).
8. Rape (IC 35-42-4-1).
9. Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
10. Child molesting (IC 35-42-4-3).
11. Sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).
12. Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).
13. Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).
14. Operating a vehicle while intoxicated causing death (IC 9-30-5-5).
15. Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).
16. Resisting law enforcement as a felony. (IC 35-44.1-3-1).

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Offices of prosecuting attorneys.

Information Sources: Indiana Code.

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